

REMARKS

Applicant has amended paragraph 27 of the specification to correct a clerical mistake. Applicant has also amended paragraph 32 of the specification for clarification purposes.

In the Office Action, the Examiner first raised objection to Claim 3 due to a typographical error in the claim. In response, applicant has corrected the error.

Turning to the substantive matters raised, the Examiner rejected Claims 1-2, and 4-17 under 35 U.S.C. §102(b) as being anticipated by Ehrenfels. The Examiner also rejected Claim 3 under 35 U.S.C. §103(a) as being unpatentable over Ehrenfels in view of Rhodes et al. In response, applicant has amended Claim 1 to more particularly define the invention.

Specifically, applicant has amended Claim 1 to recite that the slidable flange is coupled to the intumescent member but does not engage the conduit so that it can travel along the conduit when the intumescent material expands. Support for the amendment to the claims is found in the specification at, *inter alia*, page 6, lines 4-21.

As opposed to the present claimed invention, the Ehrenfels reference describes a poke-through device which has a bottom flange which is “non-rigidly coupled to the conduit using the non-rigid mechanical connection of the invention” (see column 2, lines 46-47). The Ehrenfels reference also requires that “[l]ow thermal conductivity spacer-shafts 45 are employed to hold the bottom flange 38 and the conduit flange 40 of the fitting together.” (see column 4, lines 50-52).

More particularly, the Ehrenfels reference describes that:

...the conduit flange 40 includes an annular peripheral portion 46 circumscribing an aperture having a diameter larger than the diameter of the conduit 30. Formed integrally with the peripheral portion 46 are plural tabs 48 extending radially inwardly into the conduit flange aperture. . .The conduit 30 is provided with plural slots 54 formed in the vicinity of an end of the conduit and in a common transverse plane at intervals corresponding to the spacing of the conduit flange tabs 48. The shoulder portion 50 of a tab 48 has a width slightly greater than the width of the corresponding conduit slot 54, with the respective lip portions 52 inserted in the conduit slot 54. . .Thus, the

conduit flange 40 is loosely axially and circumferentially retained by protuberance of the lip portions 52 of the tab 48 into respective conduit slots 54... (see Figures 1 and 3, and column 5, lines 9-36)

The fitting of Ehrenfels is assembled by deforming the conduit below the slots so that the tabs of the conduit flange can travel along the conduit to the slots. Once the tabs are positioned in the slots, the deformed conduit portions are reformed to their original cross-section, "whereby the tabs are radically and axially confined by the respective slots" (see Abstract).

Based on the foregoing, it is established that the conduit flange of Ehrenfels is coupled to the conduit upon installation. In sharp contrast, the present claimed invention avoids such connection.

Clearly, the cited reference does not teach or even remotely suggest a slidable flange that is not connected to the conduit. Rather, the reference requires that the lower flange be "axially and circumferentially retained by protuberance of the lip portions 52 of the tab 48 into respective conduit slots 54." In contrast, applicant's claimed invention distinctly states that the bottom flange is not connected to the conduit and is able to move along the conduit.

With regard to the rejection of Claim 3 under 35 U.S.C. § 103(a), applicant notes that Claim 3 is dependent on Claim 1 and is therefore allowable for the above recited reasons. Notwithstanding, there is no suggestion to modify the device of Ehrenfels by providing an intumescent member comprising at least two portions which encircle the fixed flange in order to provide a thermal barrier.

In light of the foregoing applicant respectfully submits that that the claims of the present application are in proper form for allowance. Favorable consideration and

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early allowance are therefore respectfully requested and earnestly solicited.

Respectfully submitted,



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